IN THE HIGH COURT OF JUDICATURE AT BOMBAY
O.O.C.J.

Contempt Petition No. 71 of 2007
in
Suit No. 3441 of 2005

1. Shri Alsabah Shahenshah Nawab
and another ..Petitioners

vs.

Mrs.Nafisa Jameel Ahmed ..Respondent

Ms.Rehana Kasauri i/b M/s Banatwala and Co. for petitioners.

Ms.Nivedita S.Prabhu i/b Mr.Vasant Bhanage for respondent.

CORAM: S.C.DHARMADHIKARI J
1st October,2007

P.C.

1. Perused the contempt petition and the order passed by this Court directing that the repairs be carried out to the terrace in possession of the first respondent.

2. The grievance of the petitioner is that the repairs have not been carried out. Consequently, she is suffering as she is residing in the flat which is situate below the flat of the respondents.

3. The suit is still pending. The respondent has filed affidavit pointing out that the repairs have been carried out and denied the statement that no repairs have been carried out to the terrace. She

has made a grievance that entire building has leakages and structural defects. The maintenance work is required to be carried out. The grievance is that considering that the respondent is a lady and residing with her children so also her husband being abroad, the proceedings are nothing but harassment.

4. The petitioner insists that the repair work has not been carried out. The respondent has also filed affidavit along with the architect's report, a copy of which is given to the petitioner.

5. In my view, contempt petition is not a remedy of the petitioner. If at all she is aggrieved by the repairs not being carried out, more so, when the respondent says that the repair work is carried out and has produced the architect's report, then, it would be proper for her to take out substantive proceedings in the pending suit and high light her grievance once again and in the light of changed circumstances. All such remedies are open for the petitioner. The contempt petition is not the remedy to resolve the dispute with regard to the repairs of the premises. The petition is dismissed.

(S.C.DHARMADHIKARI J.)